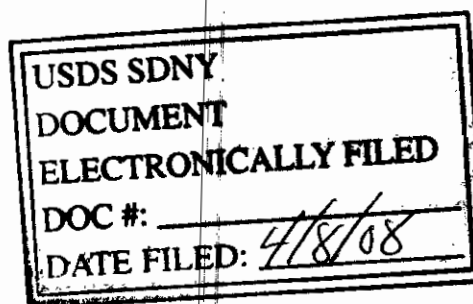


MICHAEL J. GARCIA
 United States Attorney for the
 Southern District of New York
 By: ANNA E. ARREOLA
 Assistant United States Attorney
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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----	x	
UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	08 CIV. 0441 (PKC)
	:	
- v. -	:	
	:	<u>STIPULATION AND ORDER OF</u>
\$124,798.00 IN UNITED STATES	:	<u>SETTLEMENT</u>
CURRENCY,	:	
	:	
Defendant-in-rem.	:	
-----	x	

WHEREAS, on or about June, 21, 2007, the New York City Police Department ("NYPD") seized \$124,798.00 in United States currency from inside an apartment located at 520 East 156th Street, Bronx, New York (the "DEFENDANT FUNDS");

WHEREAS, the Drug Enforcement Administration ("DEA") subsequently initiated administrative forfeiture proceedings against the DEFENDANT FUNDS by serving notice of the action and advertising the seizure;

WHEREAS, Basiliso Alicea ("Alicea or the "Claimant") thereafter filed a claim with the DEA opposing forfeiture of the DEFENDANT FUNDS;

WHEREAS, in light of the administrative claim, the United States of America commenced this action, on or about

January 17, 2008, by filing a verified complaint, pursuant to 21 U.S.C. § 881(a)(6), seeking forfeiture of the DEFENDANT FUNDS, on the ground that the DEFENDANT FUNDS constitutes moneys furnished or intended to be furnished for a controlled substance, proceeds traceable to such an exchange, and/or moneys used or intended to be used to facilitate such an exchange;

WHEREAS, notice of the verified complaint and in rem warrant against the DEFENDANT FUNDS was published in the New York Law Journal on February 13, 2008, and proof of such publication was filed with the Clerk of this Court on March 17, 2008;

WHEREAS, the Claimant is the only person known by the Government to have an interest in the DEFENDANT FUNDS, no other parties have filed a claim in this action, and the requisite time periods in which to do so, as set forth in 18 U.S.C.

§ 983(a)(4)(A) and Rule G of the Supplement Rules for Admiralty or Maritime Claims and Asset Forfeiture Claims, have expired;

WHEREAS, the Claimant, admitting no wrongdoing in connection herewith, has agreed to settle this manner;

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED AND ORDERED, by and between Michael J. Garcia, United States Attorney for the Southern District of New York, by and through Assistant United States Attorney Anna E. Arreola, and the Claimant, by and through his attorney, Lawrence M. Fisher, Esq., that:

1. The United States Marshals Service shall issue a check in the amount of \$25,000.00, and made payable to "Basiliso

Alicea and Lawrence M. Fisher, Esq.," and mailed to Lawrence M. Fisher, Esq., at 350 Broadway, 10th floor, New York, New York 10013.

2. Claimant shall withdraw his claim to the remainder of the DEFENDANT FUNDS, consisting of \$99,798.00 in funds, and that sum shall be and hereby is forfeited to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 1084, without Claimant admitting any liability thereunder.

3. Claimant is hereby barred from asserting, or assisting others in asserting, any claim against the United States of America ("USA"), the Department of Justice ("DOJ"), the U.S. Attorney's Office for the Southern District of New York ("SDNY-USAO"), the United States Marshals Service ("USMS"), the DEA, the New York City Police Department ("NYPD"), the Bronx County District Attorney's Office ("Bronx County DA's Office"), or any agents and employees of the USA, the DOJ, the SDNY-USAO, the USMS, the DEA, the NYPD, or the Bronx County DA's Office, in connection with or arising out of the seizure, restraint, and/or constructive possession of the DEFENDANT FUNDS, including, but not limited to, any claim that there was no probable cause to seize and/or forfeit the DEFENDANT FUNDS, that the Claimant is a prevailing party, or that the Claimant is entitled to attorney's fees or any award of interest.

4. Claimant represents that he is the sole owner of the DEFENDANT FUNDS and agrees to hold harmless the

USA, the DOJ, the SDNY-USAO, the USMS, the DEA, the NYPD, and the Bronx County DA's Office, as well as any and all employees, officers, and agents of the USA, the DOJ, the SDNY-USAO, the USMS, the DEA, the NYPD, or the Bronx County DA's Office, from any and all claims in connection with or arising out of the seizure, restraint, and/or constructive possession of the DEFENDANT FUNDS, including but not limited to any third-party claims of ownership of the DEFENDANT FUNDS.

5. Claimant hereby agrees to waive all rights to appeal or otherwise challenge or contest the validity of this Stipulation and Order.

6. This Stipulation and Order shall in no way be deemed an admission of culpability, liability, or guilt on behalf of the Claimant, Plaintiff or any of their respective agents, officers or employees, past and present. Further, this Stipulation and Order shall in no way constitute any reflection upon the merits of the claim and defenses asserted respectively by the Plaintiff and the Claimant.

7. Each party shall bear its own costs and attorney's fees.

8. This action is hereby dismissed with prejudice and without costs or disbursements.

Agreed and consented to:

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By: Anna E. Arreola

ANNA E. ARREOLA
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
(212) 637-2218

DATE 3/31/2008

Basiliso Alicea, Claimant

By: Lawrence M. Fisher, Esq.

Lawrence M. Fisher, Esq.
Attorney for Basiliso Alicea
350 Broadway, 10th floor
New York, New York 10013
(212) 226-5700

DATE 3/31/08

So Ordered:

[Signature]
HONORABLE P. KEVIN CASTEL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK

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